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1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA,

4 v.

23 Cr. 347 (JGK)

5 ALEXANDER MASHINSKY,

6 Defendant.

Conference

7 -----x

8 New York, N.Y.  
9 October 3, 2023  
11:00 a.m.

10 Before:

11 HON. JOHN G. KOELTL,

12 District Judge

13 APPEARANCES

14 DAMIAN WILLIAMS

United States Attorney for the  
Southern District of New York

15 BY: ALLISON C. NICHOLS

16 ADAM S. HOBSON

Assistant United States Attorneys

17 BENJAMIN R. ALLIE

18 ROBERT S. FRENCHMAN

MARK L. MUKASEY

19 MICHAEL WESTFAL

Attorneys for Defendant

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1 (Case called; appearances noted)

2 THE COURT: Good morning. Where are we?

3 MR. HOBSON: Your Honor, the government has made  
4 document productions on August 8, 19, and September 14. With  
5 that most recent document production, discovery is now  
6 complete.

7 The parties have also discussed the proposed trial  
8 schedule, and we were going to jointly request that the Court  
9 set a trial date for some time in September 2024, if that is  
10 convenient for the Court.

11 The government estimates approximately three weeks for  
12 its case in chief.

13 THE COURT: Why so long?

14 MR. HOBSON: Because of the number of witnesses, the  
15 number.

16 THE COURT: No. Why so long for the trial date?

17 MR. HOBSON: So long away? So far into the future?

18 THE COURT: Yeah.

19 MR. HOBSON: We understand that defense counsel has a  
20 trial in April that prevents it from being sooner.

21 THE COURT: Okay.

22 Does the defense want to be heard?

23 MR. FRENCHMAN: Yes, your Honor. It's about two  
24 terabytes of discovery, which is it quite a bit. Some of it  
25 has just very recently been processed. We need a lot of time

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1 to review it, obviously.

2 As Mr. Hobson said, we have a trial set in April in  
3 the Eastern District of Pennsylvania. We also have trials that  
4 our firm is involved in in this district in October and a  
5 sentencing in November, so we think after Labor Day makes sense  
6 for a trial.

7 THE COURT: Okay.

8 Do you have any thoughts about defense motions?

9 MR. FRENCHMAN: Yes.

10 We're contemplating at least one motion that will go  
11 to the sufficiency of the counts. There may be others, and as  
12 I said, we have just processed the last batch of discovery that  
13 we're going through, so we conferred with the government before  
14 this conference, and we think the end of January makes sense  
15 for a deadline for the filing of motions.

16 THE COURT: What do you mean by a motion with respect  
17 to the sufficiency of the counts?

18 MR. FRENCHMAN: As you may know, the law on what's a  
19 security in this context is fluid, and so we're evaluating that  
20 as one potential motion. We're going to be looking at the  
21 returns versus the warrants to see if everything was in scope.  
22 That's another potential motion.

23 And we're still reviewing discovery, so I don't want  
24 to --

25 THE COURT: I'm not attempting to hold you.

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1 MR. FRENCHMAN: I don't want to.

2 THE COURT: I'm not. I'm not closing you off.

3 At this point, do you foresee any date for an  
4 evidentiary hearing on the motions?

5 MR. FRENCHMAN: I don't think we will need that.

6 THE COURT: Okay.

7 Motions due January 12, 2024; responses, January 26;  
8 replies, February 2; conference, March 14 at 10 a.m.; trial,  
9 September 17, 2024, at 9 a.m.; notification of 404(b) evidence,  
10 May 17, 2024; request to charge, voir dire requests, motions in  
11 limine, June 7, 2024; responses and replies, June 21, 2024;  
12 pretrial conference, July 12, 2024, at 10 a.m.; final pretrial  
13 conference, September 11 at 10:30 a.m.

14 Is that schedule satisfactory with everyone?

15 MR. HOBSON: Yes, your Honor.

16 MR. FRENCHMAN: Yes, your Honor.

17 THE COURT: Okay.

18 Note that the trial date is a firm trial date, so you  
19 should all arrange your calendars and notify any other judges  
20 that you've assured me that you're all available on  
21 September 17, 2024, 9 a.m. for a trial of possibly three weeks.

22 I'll exclude, prospectively, the time from today until  
23 September 17, 2024.

24 A continuance is designed to assure effective  
25 assistance of counsel. It's required because of the complexity

NA3fMASc

1 of the case. It's required in order to accommodate trial  
2 schedules and thus assure effective assistance of counsel.

3 The Court finds that the ends of justice served by  
4 ordering the continuance outweigh the best interest of the  
5 public and the defendant in a speedy trial. This order of  
6 exclusion is made pursuant to 18, U.S.C. Section  
7 3161(h) (7) (A) .

8 Anything further?

9 MR. HOBSON: No, your Honor.

10 MR. FRENCHMAN: Nothing further from the defense.

11 THE COURT: Okay.

12 Good to see you all.

13 If there are any issues that come up, just send me a  
14 letter.

15 Thank you all.

16 (Adjourned)